

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL KRAUSE,

Plaintiff,

v.

TARA KRAUSE,

Defendant.

Case No. 1: 21-cv-01706-NONE-SAB

ORDER VACATING HEARING ON
PLAINTIFF'S MOTION TO EXPEDITE
PROCEEDINGS AND DIRECTING
PLAINTIFF TO CONTACT DISTRICT
JUDGE CHAMBERS AND SET MOTION
BEFORE DISTRICT JUDGE

(ECF Nos. 9, 11, 12)

On December 3, 2021, Plaintiff filed a motion to expedite proceedings pursuant to the Convention on the Civil Aspects of International Child Abduction, executed at The Hague on October 25, 1980; and the International Child Abduction Remedies Act, 22 U.S.C. 9001 et seq. (ECF No. 9.) Plaintiff requested the hearing be set for December 8, 2021, at 9:00 a.m. in Courtroom 9. (Id.) The Court issued an order on December 3, 2021, which was docketed December 6, 2021, granting the request to set the hearing, and further ordering supplemental briefing on the issues of what aspects of the motion must be addressed by the District Judge, addressing the urgency of hearing this matter on an expedited basis before service on the Defendant, and requesting legal authority for the service aspect of the requested relief. (ECF No. 11.)

On December 7, 2021, Plaintiff filed a supplemental brief indicating that Plaintiff agrees

1 the motion should be heard by the District Judge, and that Plaintiff did not intend for the motion
2 to be heard by the assigned United States Magistrate Judge. (ECF No. 12.) The filing also states
3 that personal service on the Defendant has now been completed, and the Plaintiff will be filing a
4 proof of service forthwith. (Id.) Finally, Plaintiff states that having reviewed the legal authority
5 provided by the Court in the request for supplemental briefing, Plaintiff “requests for the
6 conference scheduled for December 13, 2021 to be adjourned and for the motion to be set before
7 the District Judge,” and further states that if Plaintiff is unable to serve Defendant personally,
8 Plaintiff will then seek appropriate legal recourse for alternate or substitute service. (Id.)

9 The Court presumes the statement concerning future substitute service was mistakenly
10 included in the declaration as it appears Defendant has now in fact been personally served. The
11 Court further presumes that Plaintiff meant to request the hearing on December 8, 2021, be
12 vacated, as there is nothing set for December 13, 2021. Accordingly, the Court shall vacate the
13 December 8, 2021 hearing, and direct Plaintiff to contact the Courtroom Deputy assigned to
14 “NONE” at the contact information provided in the Court’s standing order (ECF No. 6-2 at 2),
15 and confirm a date and time and complete the appropriate filings for having the motion set before
16 the District Judge.

17 Accordingly, IT IS HEREBY ORDERED that:

- 18 1. The hearing on Plaintiff’s motion to expedite proceedings set for December 8,
19 2021, in Courtroom 9 before United States Magistrate Judge Stanley Boone at
20 10:00 a.m., is VACATED; and

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2. Plaintiff shall contact the Courtroom Deputy assigned to “NONE” and confirm a date and time and complete the appropriate filings for having the motion to expedite proceedings set before the District Judge, who may impose their own requirements as to timing, and appearance of Defendant in this action, prior to the hearing.

IT IS SO ORDERED.

Dated: **December 7, 2021**


UNITED STATES MAGISTRATE JUDGE